

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LOUISIANA WHOLESALE DRUG CO., INC.,)	Civil Action No. 07-cv-7343 (HB)
)	
Plaintiff,)	Hon. Harold Baer, U.S.D.J.
)	ECF CASE
v.)	
)	
SANOFI-AVENTIS, SANOFI-AVENTIS)	
U.S., LLC and AVENTIS)	
PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	

**DEFENDANTS SANOFI-AVENTIS US LLC' AND
AVENTIS PHARMACEUTICALS INC.'S MOTION TO DISMISS
THE COMPLAINT FOR FAILURE TO STATE A CLAIM**

NOW INTO COURT, through its undersigned counsel, come Defendants sanofi-aventis u.s. llc, and Aventis Pharmaceuticals, Inc. (collectively, “Aventis”), who pursuant to Fed. R. Civ. P. 12(b) and for reasons more fully set forth in the accompanying Memorandum of Law, move for the dismissal of Plaintiff Louisiana Wholesale Drug Co, Inc.’s Complaint for failure to state a claim upon which relief can be granted.

WHEREFORE, Aventis prays that this Honorable Court grant this Motion to Dismiss the Complaint for Failure to State a Claim.

Dated: October 15, 2007

Respectfully submitted,

/s/ Christopher R. Farrell
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Counsel for SANOFI-AVENTIS U.S. LLC *and*
AVENTIS PHARMACEUTICALS INC.

CERTIFICATE OF SERVICE

I, Christopher R. Farrell, certify that the foregoing Motion to Dismiss the Complaint for Failure to State a Claim was served on October 15, 2007, on the counsel listed below in the manner(s) indicated below:

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/s/ Christopher R. Farrell

Christopher R. Farrell

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U.S., LLC and AVENTIS)	
PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	

PROPOSED ORDER

Upon consideration of Defendants sanofi-aventis u.s. llc and Aventis Pharmaceuticals, Inc.'s Motion to Dismiss the Complaint for Failure to State a Claim, it is this ____ day of _____, 2007, hereby

ORDERED that Plaintiff Louisiana Wholesale Drug Co., Inc.'s Complaint is
DISMISSED with prejudice.

UNITED STATES DISTRICT JUDGE